

THURSDAY, JANUARY 27, 1994

FIFTY-SIXTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Dr. James Harrison, Gallatin Church of Christ, Gallatin, Tennessee.

Representative Stamps led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Buck; court date.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to Rule No. 17, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

*House Joint Resolution No. 0395 -- General Assembly, Studies -- Creates special legislative task force to study youth violence. by *DeBerry, *Naifeh, *Chumney, *Herron, *Buck, *Armstrong, *Jones U, *Miller, *Ridgeway, *Purcell.

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Health and Human Resources Committee.

***House Joint Resolution No. 0399** -- Memorials, Government Officials -- Recommends that Services for the Blind have line responsibility. by *Odom, *Turner B.

Health and Human Resources Committee.

***House Joint Resolution No. 0401** -- General Assembly, Statement of Intent or Position -- Urges radio and cable television stations to refrain and refuse to broadcast "gangsta rap" music. by *Dixon, *Jones R, *Chumney, *Brooks, *Thompson.

Judiciary Committee.

RESOLUTIONS

Pursuant to Rule No. 17, the following resolution(s) was/were introduced and placed on the Consent Calendar for Monday, January 31, 1994:

House Resolution No. 0117 -- Memorials, Retirement -- Ralph Edward Barnwell. by *Kisber.

House Resolution No. 0118 -- Memorials, Recognition and Thanks -- Bishop Knox, Principal Wingfield High School, Jackson, Mississippi. by *Dixon.

House Joint Resolution No. 0403 -- Memorials, Recognition and Thanks -- Audobon String Quartet and Cyrus Feldman Trust. by *Coffey.

House Joint Resolution No. 0405 -- Memorials, Professional Achievement -- Eastman Chemical Company, Malcolm Baldrige National Quality Award. by *Venable, *Ramsey, *Westmoreland.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to Rule No. 17, the resolution(s) listed was/were noted as being placed on the Consent Calendar for Monday, January 31, 1994:

Senate Joint Resolution No. 0271 -- Memorials, Personal Occasion -- Melton E. and Leslie Jones Loftis, birth of son.

Senate Joint Resolution No. 0272 -- Memorials, Sports -- Lincoln County High School football team.

Senate Joint Resolution No. 0273 -- Memorials, Personal Occasion -- Monroe Graves, Chief Sergeant at Arms, 78th birthday.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 2189 -- Taxes, Real Property -- Makes equivalent references to tax deed for property sold for delinquent taxes and court decree entered in delinquent tax case. Amends TCA, Title 67, Ch. 5. by *Rhinehart.

House Bill No. 2190 -- Sunset Laws -- Medicaid drug utilization review board, June 30, 1995. Amends TCA, Title 4, Ch. 29; Title 71, Ch. 5. by *Kernell, *Garrett, *Johnson.

House Bill No. 2191 -- Sunset Laws -- Rail service authorities, June 30, 2002. Amends TCA, Title 4, Ch. 29; Title 7, Ch. 56. by *Kernell, *Garrett, *Johnson.

House Bill No. 2192 -- Sunset Laws -- Deletes references to terminated governmental entities. Amends TCA 4-29-212. by *Kernell, *Garrett, *Johnson.

House Bill No. 2193 -- Sunset Laws -- State seed board, June 30, 1995. Amends TCA, Title 4, Ch. 29; Title 43, Ch. 10. by *Kernell, *Garrett, *Johnson.

House Bill No. 2194 -- Sunset Laws -- State certification commission, June 30, 2001. Amends TCA, Title 4, Ch. 29; Title 49, Ch. 5. by *Kernell, *Garrett, *Johnson.

House Bill No. 2195 -- Sunset Laws -- Law Enforcement Training Academy, June 30, 2002. Amends TCA, Title 4, Ch. 29; Title 38, Ch. 8. by *Kernell, *Garrett, *Johnson.

House Bill No. 2196 -- Sunset Laws -- State board of examiners for registered professional environmentalists, June 30, 1995. Amends TCA, Title 4, Ch. 29; Title 62, Ch. 17. by *Kernell, *Garrett, *Johnson.

House Bill No. 2197 -- Sunset Laws -- Regional transportation authority, June 30, 1995. Amends TCA, Title 4, Ch. 29; Title 64, Ch. 8. by *Kernell, *Garrett, *Johnson.

***House Bill No. 2198** -- Pardons and Paroles -- Increases board of paroles from seven to eight members. Amends TCA, Titles 37, 39, 40, 68. by *Herron.

House Bill No. 2199 -- Highways, Roads and Bridges -- Revises criteria for borrow pit exemption from local zoning regulations to include reclamation plan "pending approval" where operator or borrow pit has filed proposed plan with county or municipal officer. Amends TCA 54-1-128. by *Cole Ronnie.

House Bill No. 2200 -- Local Government, General -- Authorizes human resource agencies to borrow funds when such funds properly

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secured by grant funds receivable. Amends TCA 13-26-105. by *Rhinehart, *Ferguson, *Buck, *Winningham, *Davidson, *Crain, *Whitson, *Head, *Kent, *Moore, *Hargrove, Severance, Joyce, Huskey, Davis Ronnie, Rinks, Hillis, Bittle.

House Bill No. 2201 -- Race Relations -- Provides that no entity or subdivision of state government, which assigns vehicles to non-profit group homes, care homes, or supportive living facilities, shall assign such vehicles in a racially discriminatory manner. by *Jones R, *Brooks, *Brown.

House Bill No. 2202 -- Local Education Agency -- Requires local education agencies, under certain circumstances, to provide elementary guidance counselors at rate comparable to number provided at high school level. Amends TCA 49-6-303. by *Pruitt, *Brown, *Brooks.

House Bill No. 2203 -- Workers' Compensation -- Requires trial judge to assess reasonable attorney fees not to exceed 20 percent against provider, subrogation interest or insurer for recovery of compensable medical bill in disputed claims where claimant's attorney recovers money for unpaid or denied medical expenses. Amends TCA 50-6-226. by *Clark, *Buck.

House Bill No. 2204 -- Civil Procedure -- Increases nominal recovery for libel and slander from \$5.00 to \$10.00. Amends TCA, Title 29. by *Buck.

House Bill No. 2205 -- Local Government, General -- Grants plaintiff suing local governmental entity right to jury trial. Amends TCA, Title 29, Ch. 20. by *Buck.

House Bill No. 2206 -- Malpractice, Professional -- Lengthens time period in which chair of medical malpractice review board may call for additional board hearings from 60 to 90 days. Amends TCA, Title 29. by *Buck.

House Bill No. 2207 -- Insurance, Health, Accident -- Requires fraternal benefit societies to file biannual, rather than annual, statement of transactions. Amends TCA, Title 56. by *Buck, *Jackson.

House Bill No. 2208 -- Pensions and Retirement Benefits -- Revises certain provisions relative to discontinuance of medical expense insurance coverage upon eligibility for Medicare benefits for retired state employees. Amends TCA, Title 8, Ch. 27. by *Rhinehart.

House Bill No. 2209 -- Bledsoe County -- Reorganizes board of education. Amends Chapter 463, Private Acts of 1951, as amended. by *Rhinehart.

House Bill No. 2210 -- Pensions and Retirement Benefits -- Expands from 90 to 120 days time retired employee may work without diminishing state retirement benefits. Amends TCA, Title 8, Ch. 36. by *Rhinehart.

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House Bill No. 2211 -- Sunset Laws -- Investment advisory council, June 30, 2002. Amends TCA, Title 4, Ch. 29; Title 8, Ch. 37. by *Kernell, *Garrett, *Johnson.

House Bill No. 2212 -- Sunset Laws -- Dairy promotion committee, June 30, 1995. Amends TCA, Title 4, Ch. 29; Title 44, Ch. 19. by *Kernell, *Garrett, *Johnson.

***House Bill No. 2213 -- Consumer Protection -- Requires real estate agents, brokers and any other parties selling real estate to disclose known material defects; makes such action subject to discipline by real estate commission. Amends TCA, Title 62, Ch. 13, Pt. 3; Title 66, Ch. 5, Pt. 1. by *Johnson.**

House Bill No. 2214 -- Corporations, Not for Profit -- Increases from three to four, number of years in which action against directors of nonprofit corporation may be brought. Amends TCA, Title 48. by *Kisber.

House Bill No. 2215 -- Hospitals and Health Care Facilities -- Establishes procedure for appointing temporary nursing home administrator. Amends TCA, Title 68, Ch. 11, Pt. 2. by *Kisber.

House Bill No. 2216 -- Hospitals and Health Care Facilities -- Allows persons who appeared before health facilities commission to petition for hearing relative to application approval or denial. Amends TCA, Title 68. by *Kisber.

House Bill No. 2217 -- Hospitals and Health Care Facilities -- Raises minimum temperatures for refrigerators and freezers in nursing homes. Amends TCA, Title 68, Ch. 11; Title 71, Ch. 5. by *Kisber.

House Bill No. 2218 -- Medicare and Medicaid -- Deletes intermediate care facilities services from medical assistance types covered by medicaid. Amends TCA, Title 71, Ch. 5. by *Kisber.

House Bill No. 2219 -- Medicare and Medicaid -- Authorizes department of health to implement a lien upon property and estates of certain Medicaid recipients. Amends TCA, Title 71, Ch. 5. by *Kisber.

House Bill No. 2220 -- Hospitals and Health Care Facilities -- Authorizes building and life safety regulations adopted by licensing board to be the exclusive applicable regulations. Amends TCA 68-11-202. by *Kisber.

House Bill No. 2221 -- Hospitals and Health Care Facilities -- Lowers minimum temperatures for refrigerators and freezers in nursing homes. Amends TCA, Title 68, Ch. 11; Title 71, Ch. 5. by *Kisber.

House Bill No. 2222 -- Professions and Occupations -- Extends time from 10 to 20 days for notification to board of alarm systems contractors that qualifying agent has terminated professional

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activities with licensee. Amends TCA, Title 62, Ch. 32, Pt. 3. by *Severance.

House Bill No. 2223 -- Uniform Commercial Code -- Provides that a perfected security interest in fixtures will, under certain circumstances, no longer have priority over the conflicting interest of encumbrancer or owner of real estate. Amends TCA 47-9-313. by *Chiles.

House Bill No. 2224 -- Election Laws -- Includes all municipalities in Davidson County under definition of "newspaper of general circulation" for publishing election notices. Amends TCA 2-1-117. by *Chiles.

House Bill No. 2225 -- Taxes, Privilege -- Excludes religious institutions from privilege tax on filing documents with secretary of state. Amends TCA 67-4-412. by *Joyce.

House Bill No. 2226 -- District Attorneys -- Creates two assistant district attorney general positions, one criminal investigator position and one secretarial position in 7th judicial district. Amends TCA 16-2-506. by *Coffey, *Cross.

House Bill No. 2227 -- Witnesses -- Increases witness fee for law enforcement officers in general sessions court in civil cases; authorizes local government employing officer to receive witness fees if local government compensates officer. Amends TCA 24-4-101, 103. by *Kent, *Cole Ralph.

House Bill No. 2228 -- Courts -- Authorizes appointment of court officers in Davidson County when certain conditions have been met. Amends TCA 8-8-201. by *West, *Clark, *Robinson.

House Bill No. 2229 -- Motor Vehicles -- Establishes pre-seizure notice of abandoned motor vehicles. Amends TCA, Title 55, Ch. 16, Pt. 1. by *Odom, *Pruitt, *Robinson, *Chiles, *West, *Halteman Harwell.

House Bill No. 2230 -- Davidson County -- Permits Davidson County to contract with secretary of state for use of administrative law judges. Amends TCA, Title 7, Ch. 7. by *West, *Love, *Arriola, *Robinson.

House Bill No. 2231 -- Education -- Revises provisions concerning school searches; establishes reasonable suspicion as standard for search. Amends TCA, Title 49, Ch. 6. by *Odom, *Pruitt, *Arriola, *Robinson, *Chiles, *West, *Halteman Harwell.

House Bill No. 2232 -- Zoning -- Excludes adult oriented establishments and automobile graveyards meeting certain conditions from certain zoning changes in Davidson County. Amends TCA, Title 13, Ch. 7, Pt. 2. by *Odom, *Pruitt, *Arriola, *Robinson, *Chiles.

House Bill No. 2233 -- Conservation -- Facilitates conservation easements and greenways. Amends TCA, Title 11, Ch. 10, 66-9-303,

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002. by *Odom, *West.

House Bill No. 2234 -- Waterways, Navigable -- Changes from Class C to Class A misdemeanor offense of diverting water from main channel into sluice so as to obstruct or impede navigation of main channel. Amends TCA, Title 69. by *Odom.

House Bill No. 2235 -- Sewage -- Increases from \$75,000 to \$125,000 the maximum amount of bond or financial security required of any person proposing to construct or operate a sewerage system. Amends TCA, Title 68, Chs. 201, 211; Title 69, Ch. 3. by *Odom.

House Bill No. 2236 -- Taxes, Real Property -- Exempts scope of property tax exemption for certain low income housing. Amends TCA 67-5-207. by *Love, *Arriola, *Robinson, *West, *Halteman Harwell.

House Bill No. 2237 -- Hospitals and Health Care Facilities -- Revises licensure and certificate of need requirements for home health companies. Amends TCA, Title 68, Ch. 11, Pts. 1, 2. by *Odom.

House Bill No. 2238 -- County Officers -- Authorizes certain fee and tax collections by county clerk in Davidson County. Amends TCA, Titles 7, 18, 55, 57. by *West, *Clark, *Robinson.

House Bill No. 2239 -- Taxes, Motor Vehicle -- Removes county authority to impose motor vehicle privilege tax. Amends TCA 5-8-102. by *Odom, *Rhinehart, *Severance, *Kent.

House Bill No. 2240 -- Handicapped Persons -- Increases the number of disabled persons eligible to participate in the state's various programs for disadvantaged businesses wishing to sell goods and/or services to state agencies. Amends TCA 4-26-102, 12-3-802, 49-8-114, 54-1-124. by *Odom.

House Bill No. 2241 -- Taxes, Sales -- Exempts from sales taxes used clothing sold by nonprofit, charitable institutions. Amends TCA, Title 67, Ch. 6, Pt. 3. by *Coffey, *Rhinehart.

House Bill No. 2242 -- Civil Procedure -- Exempts clerk from collecting litigation tax upon commencement of original civil action when action brought by pauper's oath; provides that leading process may not issue in civil case unless security for payment of taxes is given. Amends TCA, Titles 8, 18, 20, 67. by *Coffey, *Cross.

House Bill No. 2243 -- Franklin County -- Repeals local purchasing law; places county under general law. Repeals Chapter 82, Private Acts of 1993. by *Rigsby.

House Bill No. 2244 -- Taxes, Excise -- Allows employers credit from excise tax equal to 20 percent of cost of providing approved basic skills education programs that enhance level of employee to 12th grade functional level. Amends TCA, Title 67. by *Kisber.

House Bill No. 2245 -- Taxes, Franchise -- Deletes using value

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of tangible property as minimum tax base to measure franchise tax. Amends TCA, Title 67. by *Kisber.

House Bill No. 2246 -- District Attorneys -- Creates three additional assistant district attorney general positions, one additional criminal investigator position, and one additional victim witness coordinator position for 26th judicial district. Amends TCA 16-2-506. by *Kisber, *McDaniel.

House Bill No. 2247 -- Firearms and Ammunition -- Prohibits sale of confiscated weapons by law enforcement agencies. Amends TCA 39-17-1317, 1318. by *Kisber, *McDaniel.

House Bill No. 2248 -- Anatomical Gifts -- Adopts hierarchy of next of kin to contact for anatomical gifts if decedent was not declared donor; requires secondary schools to include in curriculum discussion of organ transplantation. Amends TCA, Title 49, Ch. 6, Pt. 12; Title 55, Ch. 50, Pt. 3; Title 68, Ch. 30, Pt. 1. by *Kisber, *McDaniel.

House Bill No. 2249 -- Cosmetology -- Allows cosmetology students to maintain accumulated hours without loss due to passage of time. Amends TCA, Title 62, Ch. 4. by *Kisber.

House Bill No. 2250 -- Charitable Solicitations -- Brings professional fund raising counsel under scope of special purpose corporations and associations. Amends TCA, Title 48, Ch. 3, Pt. 5. by *Kisber.

House Bill No. 2251 -- Real Estate Agents and Brokers -- Revises criteria for certification as a real estate appraiser; authorizes real estate commission to collect \$25.00 for changing business address of appraisers; authorizes appraisers to use initials to designate their status. Amends TCA, Title 62, Ch. 39. by *Kisber.

House Bill No. 2252 -- Taxes, Income -- Defines "dividend" for income tax purposes. Amends TCA, Title 67, Ch. 2. by *Kisber.

***House Bill No. 2253 -- Taxes, Real Property --** Provides that 15 percent of cost basis for taxation of construction in process applies to 1993 tax year. Amends TCA 67-5-903. by *Kisber.

House Bill No. 2254 -- Taxes, Gasoline, Petroleum Products -- Permits person operating as solid and industrial waste handler to receive 45 percent refund of gasoline and excise taxes paid. Amends TCA, Title 67, Ch. 3, Pt. 5. by *Kisber.

House Bill No. 2255 -- Children -- Prohibits sale of certain stimulants to minors. Amends TCA, Title 39, Ch. 15, Pt. 4. by *Wood, *Coffey.

House Bill No. 2256 -- Solid Waste Disposal -- Permits commissioner to refuse permit based on past performances by waste management applicant. Amends TCA 68-211-106. by *Tindell.

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House Bill No. 2257 -- Recycling -- Lowers costs of transporting recyclable materials intrastate to parallel federal interstate rates. Amends TCA, Title 65, Ch. 15. by *Fisher, *McKee.

House Bill No. 2258 -- Taxes, Franchise -- Allows unused excise tax credits to be used against franchise tax liabilities. Amends TCA, Title 67, Ch. 4, Pts. 8, 9. by *McKee, *Fisher.

House Bill No. 2259 -- Guardianship -- Revises various public guardianship provisions for elderly. Amends TCA 34-7-102, 104. by *DeBerry, *Dixon, *Miller, *Jones U, *Ferguson.

House Bill No. 2260 -- Sports -- Adds National Hockey League to professional sports which can be secured by sports authority. Amends TCA 67-6-103, 67-6-712. by *Purcell, *Odom, *West, *Love, *Garrett, *Arriola, *Pruitt, *Robinson.

House Bill No. 2261 -- Taxes, Gasoline, Petroleum Products -- Exempts, upon meeting certain requirements, fuel and petroleum products sold to or used by air common carrier from tax. Amends TCA, Title 67, Ch. 6, Pt. 3. by *Purcell, *Odom, *Love, *Garrett, *Pruitt, *Robinson, *Napier.

House Bill No. 2262 -- Election Laws -- Removes authority of county election commission to split certain precincts. Amends TCA, Title 2, Ch. 3, Pt. 1. by *Ridgeway, *Purcell, *DeBerry.

House Bill No. 2263 -- Apportionment, Legislative -- Moves VTD 10BD from house district 2 to district 1; moves VTD 02HV from house district 1 to district 2; reduces the percentage of votes that must be received by candidate of statewide political party from 5 to 2.5 percent. Amends TCA, Title 2, 3-1-103. by *Ridgeway, *Purcell, *DeBerry.

House Bill No. 2264 -- Districting, Congressional -- Moves Anderson County from congressional district 3 to congressional district 2. Amends TCA, Title 2, 2-16-103. by *Ridgeway, *Purcell, *DeBerry.

House Bill No. 2265 -- Districting, Congressional -- Moves Blount County from congressional district 2 to district 3. Amends TCA, Title 2, 2-16-103. by *Ridgeway, *Purcell, *DeBerry.

House Bill No. 2266 -- Apportionment, Legislative -- Moves Marion County and Sequatchie County from Senate District 13 to Senate District 14; moves Warren County from Senate District 14 to Senate District 13; reduces percentage of votes that must be received by candidate of statewide political party from 5 to 2.5 percent. Amends TCA, Title 2, 3-1-102. by *Ridgeway, *Purcell, *DeBerry.

House Bill No. 2267 -- Apportionment, Legislative -- Moves Putnam County from Senate District 15 to Senate District 16; moves Bedford County from Senate District 16 to Senate District 15; reduces percentage of votes that must be received by candidate of

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statewide political party from 5 to 2.5 percent. Amends TCA, Title 2, 3-1-102. by *Ridgeway, *Purcell, *DeBerry.

House Bill No. 2268 -- Apportionment, Legislative -- Moves Johnson County from House District 3 to House District 4; moves Carter County from House District 4 to House District 3; reduces percentage of votes that must be received by candidate of statewide political party from 5 to 2.5 percent. Amends TCA, Title 2, 3-1-103. by *Ridgeway, *Purcell, *DeBerry.

House Bill No. 2269 -- Courts -- Authorizes new trial when motion is pending if trial judge is impeached or removed from office. Amends TCA, Title 17, Ch. 1, Pt. 3. by *Purcell, *Buck, *Herron, *Chumney.

House Bill No. 2270 -- Courts, Chancery -- Deletes certain special chancery court venue provisions for greater consistency with circuit courts. Amends TCA 16-11-114. by *Purcell, *Buck, *Herron, *Chumney.

House Bill No. 2271 -- Judicial Officers -- Sets annual required meeting of judicial council in November rather than fourth Monday in October. Amends TCA, Title 16, Ch. 21, Pt. 1. by *Purcell, *Buck, *Herron, *Chumney.

House Bill No. 2272 -- Courts, Supreme Court of Tennessee -- Allows chief justice to establish clerk's staff members' salaries; adds clerk to commission to control supreme court building. Amends TCA, Title 8, Ch. 23; Title 16, Ch. 3; Title 20, Ch. 9. by *Purcell, *Buck, *Herron, *Chumney.

House Bill No. 2273 -- Salaries and Benefits -- Increases alternate calculation in determining senior justices' and judges' annual salaries in addition to regular retirement allowance from 25 to 50 percent of annual compensation at retirement. Amends TCA, Title 17, Ch. 2, Pt. 3. by *Purcell, *Buck.

House Bill No. 2274 -- Courts, Supreme Court of Tennessee -- Authorizes supreme court to assume jurisdiction over undecided case before intermediate appellate review if compelling public interest exists. Amends TCA 16-3-201. Repeals TCA 16-3-2001. by *Purcell, *Buck, *Herron.

***House Bill No. 2275 -- Custody and Support --** Marks substantial compliance with statutory procedure whereby child 14 or older has preference as to which parent such child lives with in a custody case sufficient to compel court to consider child's preference. Amends TCA, Title 36. by *Buck, *Crain.

House Bill No. 2276 -- Criminal Offenses -- Creates Class A misdemeanor offense of intercepting communications between cordless or cellular telephones and Class E felony offense of disseminating intercepted communication to another. Amends TCA, Title 39; Title 47, Ch. 25; Title 65, Ch. 21. by *Buck, *Crain.

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House Bill No. 2277 -- Hazardous Materials -- Removes liability of local governments for clean up of contaminated sites acquired for collection of delinquent taxes. Amends TCA, Title 68, Chs. 212, 215.. by *Coffey, *Kisber, *Hillis.

***House Bill No. 2278 -- Highway Signs --** "Oak Ridge National Laboratory," I-40 at Highways 58 and 95. by *Coffey, *Bittle, *Ferguson, *Gunnels.

House Bill No. 2279 -- Crossville -- Raises from \$500 to \$5,000 minimum assessed value of real property owned by non-residents who are eligible to vote in municipal elections. Amends Chapter 519, Private Acts of 1953, as amended. by *Duer, *Hillis.

***House Bill No. 2280 -- Custody and Support --** Makes failure to pay child support Class B felony. Amends TCA, Title 36, Ch. 5. by *Ritchie.

***House Bill No. 2281 -- Public Officials --** Establishes venue for actions under Public Employee Political Freedom Act. Amends TCA, Title 3, Ch. 6; Title 8, Ch. 50, Pts. 5, 6. by *Ritchie.

House Bill No. 2282 -- Race Relations -- Prohibits purchase or sale of human remains or associated burial objects. Amends TCA, Title 4, Ch. 34; Title 11, Ch. 6. by *Ritchie.

House Bill No. 2283 -- Holidays -- Establishes fourth Monday in September as "American Indian Day," day of special observance. Amends TCA, Title 15. by *Ritchie.

House Bill No. 2284 -- Race Relations -- Requires employers and school systems and other entities to classify native Americans as such rather than non-white, non-black or other. Amends TCA, Title 4, Ch. 34; Title 11, Ch. 6. by *Ritchie.

House Bill No. 2285 -- Human Rights -- Make native Americans eligible to receive any benefit available to any other minority group. Amends TCA, Title 4, Ch. 34; Title 11, Ch. 6. by *Ritchie.

House Bill No. 2286 -- Firearms and Ammunition -- Prohibits possession of handguns or ammunition by juveniles; prohibits parents of juvenile from providing or permitting juvenile to possess handgun or ammunition. Amends TCA, Title 37; Title 39, Ch. 17, Pt. 13; Titles 49, 55. by *Dixon, *Jones R, *Brooks, *Thompson.

House Bill No. 2287 -- Education -- Authorizes certain municipalities to establish school safety zones to deter drug and weapons activities. by *Armstrong, *Tindell, *Brown, *Ritchie, *Peroulas Draper, *Brooks, *Bittle, *Turner L, *DeBerry, *Thompson, *Miller.

House Bill No. 2288 -- TennCare -- Requires list of all physicians and pharmacists providing services under TennCare to be prepared at least twice a year by commissioner of human services, in consultation with commissioner of finance and administration, and

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made available to public. Amends TCA, Title 71. by *Dixon.

House Bill No. 2289 -- Managed Care Organizations -- Requires managed care organizations to assure equal care to all Tennesseans; requires access to care for TennCare enrollees to be monitored; limits TennCare provider patient caseloads; assures adequate number of medical specialists. Amends TCA, Title 71. by *Arriola, *Ritchie, *Gunnels, *Stamps, *Halteman Harwell.

***House Bill No. 2290 -- Children --** Expands implementation of department of youth development model programs for adolescents at risk of placement in custody of state. Amends TCA 4-3-2626. by *Brooks, *Dixon, *Chumney, *Miller, *Jones R, *Turner L, *Brown.

***House Bill No. 2291 -- Administrative Procedure --** Directs state agency to deliver copies or drafts of certain documents upon request; requires rules incorporating federal regulations to quote federal regulations verbatim. Amends TCA, Title 4, Ch.. 5 by *Johnson.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

***House Bill No. 1670 -- Parks, Natural Areas Preservation --** Conservation and Environment Committee.

***House Bill No. 2103 -- Local Government, General --** Transportation Committee.

House Bill No. 2104 -- Appropriations -- Finance, Ways and Means Committee.

House Bill No. 2105 -- Criminal Offenses -- Judiciary Committee.

House Bill No. 2106 -- Historical Commission -- Finance, Ways and Means Committee.

House Bill No. 2107 -- Bond Issues -- Finance, Ways and Means Committee.

House Bill No. 2108 -- Race Relations -- Education Committee.

***House Bill No. 2109 -- Workers' Compensation --** Consumer and Employee Affairs Committee.

***House Bill No. 2110 -- Animals --** Agriculture Committee.

***House Bill No. 2111 -- Highway Signs --** Transportation Committee.

House Bill No. 2112 -- Real Estate Agents and Brokers --

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Commerce Committee.

House Bill No. 2113 -- Criminal Offenses -- Judiciary Committee.

House Bill No. 2114 -- Insurance, Health, Accident -- Commerce Committee.

House Bill No. 2115 -- Annexation -- State and Local Government Committee.

House Bill No. 2116 -- Education -- Education Committee.

House Bill No. 2117 -- Medical Occupations -- Health and Human Resources Committee.

House Bill No. 2118 -- Education -- Education Committee.

***House Bill No. 2119 -- Taxes, Real Property -- Finance, Ways and Means Committee.**

***House Bill No. 2120 -- Motor Vehicles, Titling and Registration -- Transportation Committee.**

House Bill No. 2121 -- Real Estate Agents and Brokers -- Commerce Committee.

House Bill No. 2122 -- Solid Waste Disposal -- State and Local Government Committee.

***House Bill No. 2123 -- Purchasing -- State and Local Government Committee.**

House Bill No. 2124 -- State Government -- State and Local Government Committee.

***House Bill No. 2125 -- Jellico -- Held on Clerk's desk pending approval by local delegation.**

***House Bill No. 2126 -- Williamson County -- Held on Clerk's desk pending approval by local delegation.**

House Bill No. 2127 -- Handicapped Persons -- Health and Human Resources Committee.

House Bill No. 2128 -- Taxes, Privilege -- Finance, Ways and Means Committee.

House Bill No. 2129 -- Railroads -- Judiciary Committee.

House Bill No. 2130 -- Motor Vehicles, Titling and Registration -- Transportation Committee.

***House Bill No. 2131 -- Taxes, Real Property -- Finance, Ways and Means Committee.**

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House Bill No. 2132 -- Tennessee Wildlife Resources Agency -- Conservation and Environment Committee.

***House Bill No. 2133** -- Clarksville -- Held on Clerk's desk pending approval by local delegation.

***House Bill No. 2134** -- Eminent Domain -- Judiciary Committee.

House Bill No. 2135 -- Education, Higher -- Education Committee.

***House Bill No. 2136** -- Motor Vehicles, Titling and Registration -- Transportation Committee.

House Bill No. 2137 -- Boards and Commissions -- Commerce Committee.

House Bill No. 2138 -- Water Pollution and Water Resources -- Conservation and Environment Committee.

House Bill No. 2139 -- Safety -- Health and Human Resources Committee.

House Bill No. 2140 -- Driver Licenses -- Transportation Committee.

House Bill No. 2141 -- Medical Occupations -- Health and Human Resources Committee.

House Bill No. 2142 -- Bond Issues -- Education Committee.

***House Bill No. 2143** -- Insurance, Health, Accident -- State and Local Government Committee.

House Bill No. 2144 -- TennCare -- Commerce Committee.

House Bill No. 2145 -- Garnishments and Executions -- Judiciary Committee.

***House Bill No. 2146** -- Motor Vehicles -- Commerce Committee.

House Bill No. 2147 -- Barbers -- Health and Human Resources Committee.

House Bill No. 2148 -- Courts, Juvenile -- Judiciary Committee.

House Bill No. 2149 -- Pardons and Paroles -- Judiciary Committee.

House Bill No. 2150 -- Mines, Mining -- Conservation and Environment Committee.

House Bill No. 2151 -- Highways, Roads and Bridges -- Transportation Committee.

***House Bill No. 2152** -- Firearms and Ammunition -- Judiciary Committee.

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***House Bill No. 2153 -- Criminal Offenses -- Judiciary Committee.**

***House Bill No. 2154 -- Military -- State and Local Government Committee.**

House Bill No. 2155 -- Psychologists -- Health and Human Resources Committee.

House Bill No. 2156 -- Psychologists -- Health and Human Resources Committee.

House Bill No. 2157 -- Pensions and Retirement Benefits -- Judiciary Committee.

House Bill No. 2158 -- Public Defenders -- Judiciary Committee.

House Bill No. 2159 -- Taxes, Real Property -- Finance, Ways and Means Committee.

House Bill No. 2160 -- District Attorneys -- Judiciary Committee.

House Bill No. 2161 -- Education, Higher -- Education Committee.

House Bill No. 2162 -- Public Contracts -- State and Local Government Committee.

House Bill No. 2163 -- Cemeteries -- Judiciary Committee.

House Bill No. 2164 -- Dentists -- Health and Human Resources Committee.

House Bill No. 2165 -- Hospitals and Health Care Facilities -- Finance, Ways and Means Committee.

House Bill No. 2166 -- Health -- Commerce Committee.

House Bill No. 2167 -- Hospitals and Health Care Facilities -- Health and Human Resources Committee.

House Bill No. 2168 -- Hospitals and Health Care Facilities -- Commerce Committee.

House Bill No. 2169 -- Naming and Designating -- State and Local Government Committee.

House Bill No. 2170 -- Audiologists and Speech Pathologists -- Health and Human Resources Committee.

House Bill No. 2171 -- Motor Vehicles -- Transportation Committee.

House Bill No. 2172 -- Historical Commission -- Conservation and Environment Committee.

House Bill No. 2173 -- Health -- Health and Human Resources Committee.

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House Bill No. 2174 -- Taxes, Sales -- Finance, Ways and Means Committee.

House Bill No. 2175 -- Public Service Commission -- Commerce Committee.

House Bill No. 2176 -- Appropriations -- Finance, Ways and Means Committee.

House Bill No. 2177 -- Judgments -- Judiciary Committee.

House Bill No. 2178 -- Highway Signs -- Transportation Committee.

House Bill No. 2179 -- Welfare -- Health and Human Resources Committee.

House Bill No. 2180 -- Taxes, Privilege -- Finance, Ways and Means Committee.

House Bill No. 2181 -- Taxes, Sales -- Finance, Ways and Means Committee.

House Bill No. 2182 -- Oakland -- Held on Clerk's desk pending approval by local delegation.

House Bill No. 2183 -- Planning, Public -- State and Local Government Committee.

House Bill No. 2184 -- Teachers -- Education Committee.

House Bill No. 2185 -- Motor Vehicles -- Transportation Committee.

***House Bill No. 2186 -- Law Enforcement -- Judiciary Committee.**

House Bill No. 2187 -- State Symbols -- State and Local Government Committee.

House Bill No. 2188 -- Child Abuse -- Judiciary Committee.

REPORT OF COMMITTEE ON CALENDAR AND RULES

January 27, 1994

The Calendar and Rules Committee met and set the following bill(s) on the Regular Calendar for Monday, January 31, 1994: House Bill(s) No(s). 1279 and 1368.

CONSENT CALENDAR

House Joint Resolution No. 0396 -- Memorials, Public Service -- Mayor William B. Cowan, Sr., City of LaGrange.

House Joint Resolution No. 0398 -- Memorials, Retirement -- Ted Cook.

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House Joint Resolution No. 0402 -- Memorials, Personal Occasion
-- J.D. and Stella Eldridge, 50th wedding anniversary.

Senate Joint Resolution No. 0266 -- Memorials, Congratulations
-- Ethel and Venus Hite, Honorary Grandparents.

Senate Joint Resolution No. 0267 -- Memorials, Personal Achievement -- Jennifer Joachim, 1994 Tennessee Junior Miss.

Senate Joint Resolution No. 0268 -- Memorials, Death -- Joe Kraft.

Senate Joint Resolution No. 0269 -- Memorials, Sports -- Shelbyville High School football team.

House Joint Resolution No. 0400 -- Memorials, Retirement -- Joyce Noble.

Pursuant to Rule No. 50, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

BILLS WITHDRAWN

On motion of Rep. Johnson, House Bill No. 1284 was recalled from the Conservation and Environment Committee and withdrawn from the House.

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On motion of Rep. McAfee, **House Bill No. 1275** was recalled from the Finance, Ways and Means Committee and withdrawn from the House.

On motion of Rep. Hassell, **House Bill No. 2022** was recalled from the Education Committee and withdrawn from the House.

On motion of Rep. Hillis, **House Bill No. 2058** was recalled from the Transportation Committee and withdrawn from the House.

RULES SUSPENDED

Rep. Shirley moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 271 out of order, which motion prevailed.

Senate Joint Resolution No. 0271 -- Memorials, Personal Occasion -- Melton E. and Leslie Jones Loftis, birth of son.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Shirley, the resolution was concurred in.

A motion to reconsider was tabled.

BILL RETURN REQUESTED

Pursuant to **Rule No. 54**, Rep. Gunnels moved that the Clerk request the return of House Bill No. 1705 from the Governor, which motion prevailed.

RULES SUSPENDED

Rep. Purcell moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 273 out of order, which motion prevailed.

Senate Joint Resolution No. 0273 -- Memorials, Personal Occasion -- Monroe Graves, Chief Sergeant at Arms, 78th birthday.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Purcell, the resolution was concurred in.

A motion to reconsider was tabled.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of

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each having agreed to such addition:

House Bill No. 397: Rep(s). Ferguson, Johnson, Ridgeway and Williams (Union) as prime sponsor(s).

House Bill No. 1368: Rep(s). Kernell and Williams (Shelby) as prime sponsor(s).

House Bill No. 2152: Rep(s). Haley as prime sponsor(s).

House Bill No. 2163: Rep(s). Rinks as prime sponsor(s).

House Joint Resolution No. 396: Rep(s). Speaker Naifeh as prime sponsor(s).

House Joint Resolution No. 400: Rep(s). Armstrong and DeBerry as prime sponsor(s).

**MESSAGE FROM THE GOVERNOR
January 27, 1994**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill No. 1705, per your request.

DAVID H. WELLES, Counsel to the Governor.

**MESSAGE FROM THE SENATE
January 27, 1994**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 367, 369, 370, 372 and 397; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE
January 27, 1994**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 275 and 288; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 0275 -- Memorials, Sports -- Lebanon High School football team. by *Rochelle.

Senate Joint Resolution No. 0288 -- Memorials, Professional, Achievement -- Tom Gunnels. by *Ashley, *Womack.

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**ENGROSSED BILLS
January 27, 1994**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 396, 398, 400 and 402.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENROLLED BILLS
January 27, 1994**

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 367, 369, 370, 372 and 397.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED
January 27, 1994**

The Speaker signed the following: House Joint Resolution(s) No(s). 367, 369, 370, 372 and 397.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR
January 27, 1994**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint(s) Resolution(s). 200, 311, 334 and 335, with his approval.

DAVID H. WELLES, Counsel to the Governor.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Rigsby, Rinks,

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Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

On motion of Rep. Purcell, the House recessed until 5:00 p.m., Monday, January 31, 1994.